

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph Chappell	)	Examining Attorney: Kallis, Russel
	)	
Serial No.: 10/717,500	)	Group Art Unit: 1638
	)	
Filed: November 21, 2003	)	Docket No: 8064-005-CIP2
	)	
For: Chimeric Isoprenoid Synthases	)	Date Submitted: April 13, 2007
And Uses Thereof	)	

TERMINAL DISCLAIMER UNDER 37C.F.R 1.321 AND 3.73(b) TO  
OBVIATE AN OBVIOUSNESS-TYPE DOUBLEPATENTING REJECTION

The owner, the Board of Trustees of the University of Kentucky, ("UKRF"), a corporation of the State of Kentucky, having a place of business in Lexington, Kentucky, the assignee of the entire right, title, and interest in the above identified application seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

UKRF hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent Application 09/514,513 (U.S. Patent No 7,186,891). UKRF does not disclaim any material part of any patent granted on the above mentioned application prior to the expiration date of the full statutory term of U.S. Patent No. 7,186,891 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

The undersigned (whose title is supplied below) is empowered to act on behalf of UKRF in making this Terminal Disclaimer. The undersigned further certifies that UKRF is the assignee of the entire right, title, and interest in the above-identified application by virtue of a Power of Attorney applicable to the U.S. Patent Application No. 10/717,500 and signed by an agent of UKRF. A copy of the Power of Attorney is enclosed.

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above referenced patent application. Any patent granted on the above-referenced application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: April 13, 2007

By: 

Printed Name: David M. Kohn, Esq.

Title: Attorney of Record

For: Board of Trustees of the  
University of Kentucky